

# Kentucky

# Gazette.

TWO DOLLARS AND A HALF]

NEW SERIES, NO. 42, VOL. 3.

PRINTED AND PUBLISHED  
BY JOHN BRADFORD.

TERMS.

For one year in advance, specie,	2 50
Six months, in do	1 50
Three months, in do	1 00

*(The money is not paid in advance or within three months after subscribing, the price will be one third more.—No paper will be discontinued until all arrears are paid, unless at the option of the Editor.)*

LEXINGTON, KY.

FRIDAY EVENING, OCTOBER 20, 1826.

## SPEECH OF MR. ROWAN ON THE JUDICIARY SYSTEM.

CONG. U.S.D.

Now, Mr. President, let me inquire for a moment what reasonable objection can be urged against the adoption of this amendment! Are the States so prone to violate the Constitution of the United States, that the Judges should possess every possible facility to vacate their laws? Does not this argument strike at the very root of civil liberty, by proclaiming, as it virtually does, the incompetency of the people to govern themselves? You will tell me that it is not the People of the States, but their Legislative agents who so frequently violate the Constitution. I answer that the people select and superintend those agents; that they alone are interested in the purity and inviolability of the Constitution. That it is theirs, and as they know how to make it, they ought to be presumed aద only to wish its preservation, but to know how to preserve it—to be at least as much concerned for its preservation, as any four of the seven judges of the General Government. Besides if a law be passed by any of the States in violation of the Constitution, the people will feel and perceive its injurious effects, and they will repeat it. The laws are made for the People and not for the Judges. It is, Mr. President, the great excellency of a Republican, over any other kind of Government, that when an erroneous law is enacted, its injurious effects are felt by the people, and the law is repealed. But when the Judges enact a law, an *execution law*, for instance, the People cannot repeal it, however injurious its effect may be. The Judges are placed, by their office, above the effects of their own laws. The People upon which they operate oppressively, must bear and be patient, if they can. It is so, and precisely so, when a despot gives laws; the People must bear; they are in the condition of slaves—whose duty is obedience and whose motive to obedience fear.

But are the people of the United States so prone to violate their Constitution, as the Judges represent them to be, by their frequent vacation of State laws?

Mr. President: what motives can we suppose the People of the States to have, for the violation of the Constitution of the United States, which does not exist a right? The People of England, like the Constitution, and their Magna Charta, or Bill with the people of England to violate their People of the States; enjoy the power of enacting their own laws. Like the people of the States, they exercise the elective franchise, more limited to be sure than there; but there as here they legislate by their representatives. There the Judges are obliged to carry the laws into effect according to their plain and obvious import. There, although the legislature have a right to alter the form of government by legislative enactment, yet, no instance has occurred in which they have done so; no instance in which they have passed a law which infinges upon any article in *Magna Charta*. There their constitution is as obvious in their form of government, as our form of government is legible in our constitution. What saves the Legislature there from that suicidal course of legislation, which is ascribed to the States of this Union? Here the legislative bodies of the States are under the obligation of an oath, not to violate the Constitution; and yet are charged with doing it, frequently. There they are under no such restraint, and yet never do it; there they are never charged with doing it. How, I ask again, does this thing happen? Are the people of that country more wise, or more virtuous than the people of the States? Or are they more regardless of their happiness? To be happy is the organic bias of man; to promote and secure this great object was the primary and leading motives with every man, to become a member of the social compact, to enter into civil society. The People of both countries are, it is to be presumed, alike inclined to be happy. Strange, that two People, each possessing the power to promote its own happiness, by enacting its own laws—both enlightened—should act so differently. There is, Mr. President, in this matter something which has hitherto escaped scrutiny, and escaped because of the sanctity of the religion in which it lies concealed. It seems never to have occurred to any body, that the Judges might as readily be supposed to enlarge the Constitution of the United States, by construction, as the States to violate it, by legislation. There has been, and is at this moment, in this country, a judicial idolatry—a judicial superstition—which exalts the Judges with infallibility. To have them independent, public sentiment has, as I have before stated, accorded to them absolute power. That concession implies infallibility. Upon the supposition that they cannot err, their imputations upon the States have passed for oracular. The States have been disparaged; and the legislation of the States, the living fountain of the liberty of the People, has been degraded. Mr. President, if the object had been to destroy the liberty of the People of the States, and human ingenuity had been tortured to devise a plan, more effectual for that purpose, than any other, the one which is now, and for some time past has been, in operation, is the one which, in my opinion, would have been adopted, as the most effectual. What is it? To dispense, by ever, possible means, the State power, and especially the legislation of the states, against the people with the only organ by which they can express their will—with the legislative department of the States. And by what means? None more effectual than for the Judges of the Federal Government to control the States, by sole decisions; with appeals, where necessary, but without giving directly implied assent by upholding to the one hundred and fifty states, and electing in them, elected them—senior, but by negligence, or ignorance, or by saying that they were either *lawless* or *foolish*, leaving it to be inferred that they were either *one* or the other. Nobody will have the hardihood to believe that the imputation of either *lawlessness* or *foolishness* to the *case*. What next? Why, for ever the public mind will be held fast. Low, over, & the States have, for the regulation and decision of their matters, *no voice*, and *time* between their own citizens, they are at *all times* in oppo-

tent to decide upon any matter, in which so important a personage as the Bank of the United States is concerned; that the dignity of the origin of that institution, the weight of its character, & the extent and nature of its resources, entitle all its concerns to a place on the federal docket. Let the Judges rivet this impression upon the public mind, by a solemn decision that the Bank has the privilege to sue, and be sued, in the Federal Courts alone. In addition to this let the process, which are under the control of the General Government, and of its Bank, verify the States, as petty partial and turbulent corporations; and poverty, in glowing colours the excellence and grandeur of the General Government; let them linger at the close, with fond delight, upon the independence and intellectual pre-eminence of its judicial functionaries. Again—let the President recommend it to congress to eat the States up into roads and canals; and let the Congress take the law, and commence operations. Thus any thing remains, Mr. President, to complete the destruction of the States, and with them the liberty of the people! Nothing, but what the Bank can very easily effect; and that is, to constrain its debtors, immediate, proximate, and remote, who form a majority of the People of the States, to give to all these operations, the sanction of popularity. The Bank, it is known has aids counsel retained in each of the States. Their efforts and influence must not be wanting to propagate the sentiments which, whatever they may be, are best calculated to swell the tide of its influence; the Bank is their client; it is in the way of their vocation. And to all these the usurers, brokers, stockjobbers, merchandizes, and manufacturers, and who can doubt the result! I am one of those, Mr. President, who do not believe that the States are incompetent to the management of their own affairs; that they are in their legislation regardless of the Constitution of the United States; that they are petty, partial, turbulent corporations. On the contrary, I believe that their rights, and their constitution, and that of the United States have been grossly and repeatedly violated by the Congress and Judiciary of the United States. I believe that the tendency of the General Government towards the absorption of the States, is visible, rapid, and, I fear, resistless. Yet I would make the experiment to resist it. But any experiment which purports to impose any restraint upon judicial discretion, is assailed by all our prejudices in favor of the criminal. The exemption is, do you please with the States, but do not interfere with the Judiciary; you may tax and tariff the People, to swell the influence of the Bank, by chaining to its ear the manufacturers, whom you privilege by that process; you may make roads and canals, in any of the States; because you are thereby promoting the *general welfare*; and because then you are only interfering with the constitutional rights of the States; in that you are acting upon the People, and they, in all time have been lawful game. But touch not the Judges; they are the great usurpers between contending sovereigns, between the General Government and the States. The happiness of the People is in their holy keeping. The Judges of the Supreme Court the usurpers. They looked on by the States as usurpers between the General Government and the People! They are the most efficient organs of that Government which wants but People to have *vassals*—the just and impartial usurper between States contending to maintain the power of the People, and the mere Government, contending for the power of controlling the People; between the people of the States contending for the right of governing themselves, and the General Government, to govern them!

Strange infatuation to suppose that *self-interest* is the just basis of impartial and disinterested usurpation! Let us, Mr. President, disenthral ourselves from our fatal delusions, in relation to this Judiciary. Let us unclasp our reason to dispel our feelings, and relieve us from this blind devotion to the Judges, this self destroying idolatry. Let us not forget that they are men—and suppose it possible for them to err. Ascribe to the present innumerable nothing worse than the *faculty of erring*, and if they may err—is their *suspicious* may, possibly, do worse than err—is it not wise to guard as far as practicable, against that occurrence? Is not prevention more wise than remedy? But why speak of remedy? Their errors are irretrievable; and therefore, there is the strongest reason for every practicable prevention.

But, Mr. President, what are the objections against requiring the concurrence of seven of these Justices to vacate a law of the State? I have attempted to show that the States do not (frequently at least) pass unconstitutional laws; that, if they should happen to do it, their own repealing power is a safe corrective. I do not, myself, believe that a single State in this Union has passed an unconstitutional law, with the knowledge of its unconstitutionality. I do believe, myself, that the Federal Judges have erred more frequently, and much more injuriously, in pronouncing State laws unconstitutional, than the States have erred in enacting laws of that character.

What objection, then, I repeat, can there be to this requisition? If the law of a State should be obviously and plainly in violation of the Constitution of the United States, it ought to be presumed that, being obviously and plainly so, the Judges would perceive it, and readily and *unanimously* concur in pronouncing it so. If its unconstitutional quality should not be obvious and plain, ought not the Judges, in *clarity*, if not in *coherence*, to those who enacted it, to presume that it was unconstitutional? Ought they to forfeit their wits in elaborate, learned, and *unconstrained* constructions, to arrive at its *unconstitutionality*, and thereby inflict the imputation of folly or wickedness upon the State which enacted it?

Where is the reason of requiring the unanimous concurrence of the twelve jurors in the guilt of a single individual, before he can be deprived of his liberty, and permitting a bare majority of a quorum of the Justices of that court to deprive a State of its sovereign power, and the millions of citizens who compose it, of their liberty? The trial by jury is the boast of the States; but they cannot be supposed to overlook, in their estimation of it, its characteristic feature—the *unanimity* with which alone it acts. Now, Mr. President, what reason can there be for requiring the concurrence of the twelve judges of fact, to give validity to their verdict, which does not apply with a *lesser* the same force, in requiring seven of the Judges of law, to concur in a judgment, or decree, which condemns a State in error? It cannot be that there is more difficulty in ascertaining the *law* than the *fact* of the case. Every Lawyer knows that the greatest difficulty in every trial consists in ascertaining the *true facts* of the case. When they are ascertained, the law is easy. Besides, in all criminal trials, the *juries* are *judges* of the *law*, as well as the *facts*. I *can* assert the *facts* of the case, and *may* decide the *law* of it, and *that necessarily* too, if their decision shall be in favor of the accused. How unreasonably, to require that twelve plain common-

sense men, of the grand jury, shall agree in preferring a charge of perjury, for instance, against the blindest citizen of a state, and that twelve more, as a *patty* jury, must concur in pronouncing him guilty, before he can be deprived of his privilege to be a witness, and yet refuse to require the concurrence of seven of the ten Justices, in a judgment, or decree, which shall not only vacate a State law, but inflict upon the one hundred and fifty select and responsible men, who enacted it, the infliction of perjury; of having violated their solemn oaths to support the Constitution, either through wickedness, or ignorance. For my part, I have no hesitation in saying, that I would place a State upon at least as good a footing, as an individual. As the good sense of my country presumes every accused individual innocent, until his guilt was ascertained by the unanimous verdict of the twelve jurors, so I would, if it were left to me, when the law of a State was accused of being unconstitutional, require that the whole number of the Judges, whatever their number might be, should concur in the condemnation of it, before it should be considered guilty of the charge, and thereby render imperative that, Mr. President, let me not be misunderstood. In my judgment, the *sovereign power* of a State should not be submitted to *any judicial tribunal* whatever; but, if it may, certainly not to the Supreme Court or the United States. I can never be persuaded that the Court of the United States can be considered as an impartial tribunal in a case of that kind—certainly not more so than either House of Congress, or both—and, neither, more impartial than the Legislature of the State on which the law was enacted.

I am not prepared to say, that *sovereign power* is a fit subject for special pleading in a *court of law*, to be associated with, and share the fate of *John Doe and Richard Roe*. This, however, is only my individual opinion, and as it has nothing to do with the question involved in the amendment, it was perhaps expedient to me to express it. I therefore pass it over, and proceed to show, that it is not only unreasonable to require this concurrence of the seven Judges, but entirely reasonable upon principles of reciprocal justice. Mr. President, when the Senators sit in their judicial capacity to try a judge of that Court, the concurrence of two-thirds of that body is necessary to the conviction of a single Judge, why should it require two-thirds of the Senators, in their judicial capacity, to convict one of those Judges of a misdemeanor, while a *minority* of the very same Judges may convict a State of having violated the Constitution? There are now seven Judges; four of whom, constitute a *quorum*; three of the four, a *minority* of the whole, may, and in some instances have pronounced State laws, of the most interesting character, *void*. Thus you see, Mr. President, three of the seven Judges can vacate the laws of the twenty-four States successively; can *destroy* them of their sovereign legislative power; while it takes the concurrence of sixteen States or forty-two Senators, sitting as Judges, upon a *single* *case*, of those Judges, to convict him of a *misdemeanor*, or in any way to affect his judicial faculty. Is this reasonable? Is it prudent? Is it politic? Can the States hope to retain their sovereignty? Can the people of the States hope to retain their liberty under circumstances like these? It is, if not a perverse turn of *tertius*, to call it *liberty*, which depends upon the will of another? Are the States free, when their sovereignty will be controlled, and its *force* denied, by the minority of a Court, over which it has not any, even the slightest, control over whose decisions all the States can, in no possible way, either through Congress, or otherwise, exert any control? But sir, not only can three Judges, as things now stand, paralyze the sovereign power of the States, but even *one* can do it. Yes, sir, a *single* Judge can deprive a State of its sovereign power. As thus, suppose there are five Judges upon the bench, the Constitutionality of a State law is drawn in question; three of them are the law unconstitutional; the other two are of a different opinion; how stands the matter, in relation to *opinion*? Why, the opinion of two on the one side neutralizes the opinion of the two on the other side; and were there *but four* on the bench, the law would remain valid and effective. But the opinion of the fifth Judge, and his opinion *ab*vo*d*, is *against* the law; and his opinion declares the law to be unconstitutional and void. And, Mr. President, under the bill on the table, if it shall pass into a law, without my amendment, the same thing may happen. Suppose there are seven Judges on the bench, and six of them shall be divided, three against three, the seventh alone, makes the decision. If there are nine on the bench, and eight of them are divided, four against four, the ninth Judge along gives the opinion. For when the Courts are divided into two against two, three against three, or four against four, the odd Judge alone in each case pronounces the law unconstitutional; the other two are of a different opinion; how stands the matter, in relation to *opinion*? The people of the States, in their *compact*, neutralize the *opinion* of the two on the other side; and were there *but four* on the bench, the law would remain valid and effective. But the opinion of the fifth Judge, and his opinion *ab*vo*d*, is *against* the law; and his opinion declares the law to be unconstitutional and void.

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Mr. President: we are taught that the liberty and property of the citizens are regulated, guarded, protected and guaranteed by the States. But how can they guarantee the liberty, or protect the property of the citizens, if they permit their persons to be imprisoned, and their property to be taken from them, at the will of another Government, or at the instance of its functionaries? The citizens and their property must be regulated by the States; that is, by the people in their corporate capacity; or the State is not sovereign, and they are not free.

The proprietorship of the States over the people, and their property, is, or is not, sovereign. If sovereign, it implies not only the right to regulate both according to their will, but competent wisdom for this purpose. If the power of the State is not sovereign, why are they mocked with it? If the General Government is the proprietor of the people, and their property, is it not that power asserted by that Government? But I have, I trust, been successful in showing that the Constitution of the United States is not, and could not, confer this power, that it is inherent in the States, and that the States would be *fatuus* to themselves, if they were to surrender it, or permit it to be usurped, or filched from them. It is not, it cannot be pretended, that the Congress could pass laws regulating convalescences, descent, distributions, or last wills and testaments—laws regulating the purchase and transfer of property. But an execution law is, in fact, a law of this character; it involves, in its operation, the sale, purchase, and transfer, of property.

And in States where land is, and shall continue to be, subject to sale under execution, that man is at very distinct on day, (such is the vicissitude of human affairs,) becoming, in such States, the most *barbarous* to themselves, if they were to surrender it, or permit it to be usurped, or filched from them. It is not, it cannot be pretended, that the Congress could pass laws regulating convalescences, descent, distributions, or last wills and testaments—laws regulating the purchase and transfer of property. But an execution law is, in fact, a law of this character; it involves, in its operation, the sale, purchase, and transfer, of property.

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THE *Siemens* or respectively informs the public that he has commenced the above business in Lexington on Main Street; and from a long experience in one of the principal cities in Europe, and the United States, also he flatters himself he will produce articles in his line equal to any in the Union suitable for Shoe Makers, Hatters, Coach Makers, Saddlers and Boot Binders which he will sell twenty per cent less than imported shins. This he hopes will induce the consumers in the Western Country to give a preference to their own manufacturer.

N. B. A constant supply of hatters WOOL on hand.

PATRICK GEORGIAN.

True to his charge—he comes, the Herald of a noisy world; news from all nations, limb'ring at his back."

LEXINGTON, (KY.) FRIDAY EVENING, OCTOBER 20, 1826.

[FOR ANNALS, SLUGS, &c. &c.]

WHOLE VOLUME XI.

ment for debt and treason, a *cause of action*, by the rule of the Court, the cause was revised, and the citizen subjected to imprisonment for debt. By the law of the State, land could not be sold under execution, for less than three fourths of its valuation; by the rule of the Court it was enacted, that land should be sold, without valuation, for whatever it would bring, at a price for three months, and, by several rules of the Court, it was enacted that the Marshal should convey the lands, sell them under execution, to the purchaser. The rules, moreover, kindly prescribe the *expenses* necessary to be observed by the Marshal, in making the conveyance, in order to give it validity.

Mr. President: it is true, that it should be distinctly ascertained whether execution laws should be enacted by the States, by the Congress or by the Courts. The object of the section which I am now attempting to discuss, is to suffice at all on that subject, by rescuing that power from judicial usurpation, and leaving it with the States—its only appropriate source. And why should it not be exercised by the States? It originated with them. They have not conceded it to the General Government; they could not, consistently with the power they retained over the persons and property of their citizens, concede it to the General Government. But the concession of it would have been an implied concession to the General Government, of the power to regulate to the conduct and the property of its citizens. It would, in fact, have been a virtual surrender, by the States, of all their sovereign power. A surrender, whereby the General Government would have been at once—what it is rapidly, as I fear, hastening to become—a National, a consolidated Government.

But, Mr. President, I ask again: why should not the States possess and exercise its power? Will they exercise it foolishly, or partially, or wickedly? If so, they are not sovereign; because folly, partiality or wickedness, cannot be supposed to be associated, in the mind of a statesman, with sovereign power. So far as concerns their own citizens exclusively, it is admitted that they may exercise this power, and that they must be supposed to exercise it wisely. Well, sir, why shall there be a special, distinct, and different execution law, for aliens, and the citizens of other States? Ought they not to be content with family law!

If, when visited by a stranger, you extend to him the hospitality of your dwelling, might he not be contented, could he reasonably expect you to change your whole domestic system, to suit his taste, *wilfully or capriciously*? Which is most reasonable? That he should accommodate himself to the established rules of your household, or that those rules should be changed to subserve his convenience or caprice? Now, sir, when an alien comes into the political household of a State, he should conform to the rules of the household, he will be more than entertained while he remains—he will be more than protected by the very same laws which protect all the members of the household. To expect more, would be unreasonable, to demand more, would be arrogant.

What, Mr. President, has been the usage of other States in relation to this subject? Has England informed to Frenchmen, or France to Englishmen, an execution law, distinct from that afforded to their respective subjects? Has either claimed the right, or even suggested the expediency, of enacting an execution law, for such of its own subjects as may happen to be drawn into the Courts of the other? Has the commerce of either of these States, or any of the States within the knowledge of history, suffered from the want of the exercise of this power

## VARIETY.

### PASSAGE OVER THE ANDES.

Mr. Brigham, the American missionary to South America, gives the following description of the laderas, or awful precipice in the passes over the Andes, through which he was obliged to go in the journey from Mendoza to Chili. We copy it from his journal in the *Missionary Herald* for May.

Leaving our place of encampment, we travelled for four hours along the bank of the river on a gradually ascending, but yet wide and beautiful road. But now we reached the first *laderas*, of which I had heard much, dreaded some, and yet longed wished to see. To conceive the nature of these laderas, it must be understood, that the road up this mountain is along a narrow, deep cut valley, down which descends a large and swift river. The road is on the north side of the stream, and generally the space between it and the parallel lofty mountains is ten or twelve rods wide, sufficiently so for a good road even for carriages—it occurs, however, in several instances, that a spur of this parallel mountain projects and extends to the very brink of the river, leaving you the alternative either to pass over its high, snow-capt summit, or crawl along the precipice by the side of the river; at the ordinary elevation of the common road. The last course, by the *laderas*, *precipice*, is sometimes the only one where the spur can possibly be passed. How this road along the laderas, rather this narrow cut path, was first formed, is not easy to see. The precipice or slope of the mountain, towards the river, which is not perpendicular, is nearly so, is at an angle of 75, if not 80 degrees with the horizon. The length of the laderas is from twelve to thirty rods, and the path along the sides from one to two feet in width, just sufficient for the mule to pass. The mountain on the right hand is so close, that, sitting on the mule you often touch it with your knee, your hand, and can sometimes with your head; and looking up, its top is in the clouds. But on the left hand, the precipice below is the place of horror. You look down a gulf of five, and in one place seven hundred feet descent, at the bottom of which rolls the furious Mendoza, eight miles an hour, bearing, at its top, trees, leaves, grass, and mud, and in its bed, stones and rocks continually rumbling, like distant thunder. So steep is the descent, that little stones, jostled from the path, are almost instantly in the river, and by one stumble, one slip of the mule, he falls helpless, and none but He, who made the mountains, can save you. If there is a place on this rugged earth, which deserves to be called sublime, it is that seen by him, who passes the laderas in the Andes of South America.

But, while I pronounce the places described to be sublime, and even awful to him who beholds them, I must dissent from the opinion of those, who think there is, with proper caution, any danger in passing them—What proves that there is not, is the fact, that no one, whom I have seen, knows of any human life having been here lost, although this road has been travelled for more than two centuries and a half. Mules are often lost here; not a year passes, in which several are not hurried down these gulfs, and their cargoes lost. But this is owing to the fact, that they often carry boxes, or sacks, of such magnitude, as to strike against the monolith above the path, and force the poor animal headlong off the other side, into the torrent below.—That this might not occur with our mules and baggage, we ordered *sacos* to be put around the necks of those, which had the large and valuable cargoes, and that they should be led across the laderas. But this precaution cannot be taken where a troop of several hundreds pass, as is oftentimes done; consequently sometimes by touching the upper bank, and sometimes by the mules crowding each other, cargoes are lost. It is not a short time since one went down the gulf with a load of seven thousand dollars in silver and gold. It were vain to look for lost articles here, as the river sweeps every thing along its course, and one can scarcely get in its waters with any safety, till it enters the Mendoza plains, thirty miles below.

In passing the first ladera, we were greatly alarmed for a short time, by a circumstance which grew out of carelessness. Not sending one forward on foot, as we ought, to see if the way was clear, six of us had advanced so far that we could not return, when we saw entering the west end of the ladera, a drove of mules, which soon must meet us. What was to be done? For either party to return, was impossible, to pass each other, no less so. I would almost have sacrificed a limb to have been free from the danger which threatened. As a good Providence ordained it, however, our guide reflected, that in the centre of the ladera, then out of sight, there was a small ravine, or break in the mountain, where a brook descended, and where, if we could reach before the other loose mules met us, we could probably halt in safety. We reached the wished-for spot, and crowded our six mules into a small excavation, which a cascade, when the brook was high, had made, and here waited till 2:30 p.m., and four men had passed. We then came out of our den, passed the other part of the ladera, and reached in safety another wide and good road.

Just before night, we passed the second ladera, called *Ladera de las rucas*, the worst of them all, but which, with caution, we passed in safety. Over this, I ventured myself to walk, and let the mule follow, but would never do it again. One's head is liable to swing, and then his feet to stumble; whereas a mule's head, in such places, is always clear, and his feet secure.

The sagacity of this animal in travelling over these rough and dangerous roads, is truly remarkable. When he steps on a stone which rolls, or finds his feet likely to give way, instead of springing to recover himself, like the horse, he lifts his feet, and places them again, with increased slowness and caution, until the danger is passed. When carrying baggage, he soon learns to keep at such distance from loaded mules, and other objects which he may meet, as that his cargo seldom strikes any thing around him. In crossing these narrow laderas, I observed, that the older baggage mules, to avoid a conflict with the mountains above, would almost to the extreme lower edge of the path. This custom of course arises not from any design to preserve the load in charge, but to save the mules from the severe jar, which every such contact gives them.

In the worst and most dangerous places they are perfectly composed, and if let alone, and suffered to pick their own way, will carry you through them in safety, but, as the peons say, "it is dangerous to force one of these animals, where he, on impulse, deliberation, thinks it not best to go."

### NEW JERSEY.

It was stated in the Republican, a few days ago, that a fracas had taken place in the New Jersey convention, for nominating candidates to the 20th Congress. Between a Lieutenant of the Navy, a partisan of Mr. Adams, and Gen. Doughty, a very old man, friend of Gen. Jackson. Gen. D. has published the following statement of this outrageous transaction, which we have copied from the last N.Y. Enquirer.

ESSEX COUNTY, NEW JERSEY.  
Dear Sir—The papers in this state, and several in your city, have used my name, in reference to the transaction at the democratic convention, held at Trenton, I have no time in transmitting to you a correct statement, in order that a proper estimate may be placed on the conduct of those calling themselves friends of Mr. Adams.

I was a delegate from this county, appointed by the friends of Gen. Jackson, the friends of Mr.

Adams also sent delegates; and when we met in convention, it was decided, that the counties having but one set of delegates, should try the validity of those who had sent two sets. Judge Evans, a friend of Gen. Jackson, was chosen chairman of the convention, and took his seat. While the business was progressing tranquilly, a Lieut. Stockton, of the navy, claiming to be an Adams delegate from Monmouth county, took exception to the conduct of the chairman, and assailed him publicly with great warmth, and used unbecoming language. I was at the time, and on returning and finding some confusion, I asked the cause, and was informed that this Lieutenant in the navy had been abusing our chairman. Others came in, and on asking me what I meant, I inadvertently and without intending to be overheard, and at a distance from him, said to a friend, "they tell me that rascal, that abused our honorable chairman and endeavored to raise a mob, is in the pay of the administration." I did not know who he was, or what was his name. Immediately Isaac Southard, brother to the Secretary of the Navy, left the place where I stood, and crossed the room, and told Lieut. Stockton that I had called him a d—d rascal. Mr. Stockton then came up, my back being turned towards him, and made a violent blow at me; being partly parried, several persons interposed, and finding that the event was likely to create a riot, I interferred and restored order. As I did not intend to have applied the phrase to Mr. Stockton, I cannot but consider the conduct of Mr. Southard as highly indecorous and unbecoming; and I certainly cannot but say, that the violent attack made by a young man, on a person of my age, and without asking an explanation, was not honorable to the cause of Mr. Adams, or his own character. His language was violent and rude, while the friends of Gen. Jackson, composed of old republicans, were orderly and correct. I thought, for a moment, that the old black cockade parties were arrived, when it was considered past-worthy to knock down a democrat.

Respectfully yours,  
SOLOMON DOUGHTY.

### FROM THE AMERICAN TANNER.

*Good Cider.*—Good cider can be made anywhere of good fruit, by the following method: When your apples are well ground, wet your straw with the juice instead of water; put some straw in a cask next your receiving tub, with a blanket on it, to filter or strain it; then put it into a good clear strong cask immediately; suffer it to have as little air as possible to prevent fermentation. When your cask is full, bring it up tight, and remove it to your cellar, not to be disturbed for one month at least. This cider will retain its sweetness for years, and be as clear as needful; it will be fit for bottling in four weeks. It should not be removed in the cask it was put up in, but racked into another. If there be any who doubt this mode, let them try one cask after the above method. The foregoing is certified from experience.

BENJ. WALDRON.

New-York, Sept. 15, 1826.

*Fatal Rencontre.*—On Monday the 20th ult. Mr. Daniel Beck and Col. Benjamin Alston, both of S. Carolina, between whom a quarrel existed, and both being armed in consequence, accidentally met in the streets of Coosawhatchie, when the former drew a pistol and called to the latter to defend himself, who instantly drew another and both pulled at the same moment. Beck's pistol missed fire, and he received three buck shot in the head which caused his death after lingering in great pain about 20 hours. Mr. B. was about 22 years old, of considerable promise, and had chosen the practice of law for a profession. He has left a mother, three sisters, and two brothers to lament his sudden decease.

### FROM THE PITTSBURGH INTELLIGENCER.

*Domestic.*—We insert with heartfelt pleasure, the article which appears in preceding column from the Norfolk Herald—from which we may infer that the Malignant Fever which has prevailed there, has greatly abated, if indeed its progress may not be said entirely to have stopped. Knowing by some personal experience, as well as by the concurrent reports of all who have ever visited that Boron, the frank, hospitable, generous & amiable qualities which distinguish her citizens, we could not but deeply sympathise with them under a Providential visitation, far milder than malignant fever. Our Norfolk friends however may console themselves with the recollection, that few places enjoy better health than their Town generally does;—and in this instance the fever has been less fatal than we have ever known it in so populous a place. We cannot but think however, that their Board of Health owed it to their own Town, as well as to other places, to have made an earlier official statement of the facts. If they had done so, the exaggerated rumors which reached us, and circulated through the country, would have been at once put down—and they may fairly ascribe to this neglect on their part, the strong terms in which our Board of Health described the visitation.

The New York Gazette of Monday says: "We have purused several letters from Norfolk, dated on Thursday last, the 21st instant, all of which concur in the belief that the yellow fever never exists in that Borough to a considerable extent, and all express the opinion that the Board of Health has not acted in such a manner as to secure the confidence of the citizens."

*Origin of the title, Lady.*—Formerly our Saxon ancestors lived without the year at their mansions in the country. There was then no play and sports, no Castle Gardens to engross the attention of the ladies and gentlemen. They inhaled the balmy perfumes of flower spangled meadows, and delighted their ears by the melodious choristers of the grove. The affluent lady of the minor having no *Waverly novels* to read, was only *aptitude* to shine in the sphere of beneficence. She distributed to her neighbours with her own hand, once a week or oftener, a certain quantity of bread, and she was in consequence called by them *Leff day*; that is, in Saxon, the Bread-giver. These two words were, in course of time, corrupted, and the meaning is now as little known as the practice which gave rise to it; yet it is to that hospitable custom, which existed in full generation, our fair nymphs are indebted for their proud appellation of *Ladies*, and from it they derive the right of serving meat at the head of their own tables.

*COMPRESSIBILITY OF WATER.*—Mr. Carter in one of his late letters, says:—"Invited by the comforts of the heart, Mr. Peckins entered a meadow at length into philosophical and mechanical speculations, giving the results of his experiments in hydraulics, to prove the compressibility of water. His investigations have led him to a full conviction, that the ocean itself 150 miles from its surface, ceases to be liquid, becoming from mere pressure a solid dense mass of matter, constituting the central portion of the globe. He related an amazing anecdote connected with this subject. Soon after his arrival in London, he went one evening to listen to the instructions of a Professor of Philosophy. The subject of the lecture happened to be hydraulics, in which the incompressibility of water was insisted on as an axiom. At the close of the exercise, the American philosopher entered into a discussion of the point with the Professor, and so fully satisfied him of the fallacy of the axiom, that on the following evening he had the courage to retract his doctrine, and give another lecture to his class upon the compressibility of water. Mr. Peckins also gave a detail of his experiments, which were successful, for converting a person into a visible fluid. In short, he seems to play with elements and subdue all, has been the first to bring into complete subjection the sea, and contract a power over it."

Our correspondents at Boston, have sent us a Halifax paper of the 2d, inst. from which we copy the following letter of instructions to the Commissioners of the Customs, under the late order in Council.

## FOREIGN.

### SOUTH AMERICA.

We have some interesting intelligence from South America. The partial revolt of Gen. Fao is drawing to a close. On the approach of the liberator Bolivar, whose arrival was momentously expected at Bogota, some of the best troops in Gen. P. deserted him, and joined the liberator.

*Pittsburgh Republican.*

*Bolivar.*—We learn from our correspondent of the New-York Mercantile Advertiser, that letters from Cartagena, of August 14th, have been received by merchants in New-York, per the Columbia-star Executive, arrived at Charleston.—They state that news had been received of the arrival of BOUILLAR at Bogota. A detachment of 1300 Colombian troops had just arrived at Cartagena from Panama, on their return from Peru.

By the schooner Clucher, arrived at Baltimore, the editor of the Gazette have received an extraordinary Gazette of the 22d August (forwarded to them by a passenger,) which furnishes the important information that the Congress of the New-American States have formed an alliance among themselves—that they have adjourned to Tacuay—a small village, twelve leagues from the city of Mexico, and that several of the members have already arrived at Acapulco.

We avail ourselves of the translation of the editor of the Baltimore American, which was transmitted to us in proof sheet.

A convoy of two millions of dollars had arrived Vera Cruz from the city of Mexico, one million and a half of which was embarked on board the British frigate Hessey, to be transmitted to England on account of the interest on the Mexican loan. The British minister was to take passage in the Hussar-New-York Gazette.

From the *Vera Cruz Star*, extra, August 22. Extraordinary Gazette of the Supreme Government of the Mexican Federation, August 19, 1826.

The official document which, by order of his excellency the President, we copy below, announces the most glorious political success, which posterity will celebrate in the festivals of the new American States, which, bound in the invincible bonds of fraternity, united in the famous assembly of Panama, to support their independence against their ancient oppressor. We gladly refer to the simple tenor of the document itself, without attaching mystery to any of its clauses or preventing, by pompous annunciation, the inhabitants of happy Andalucia from enjoying the inexpressible pleasure of reflecting upon themselves upon the hour which, by such fortunate success, attaches to the Federal Republic of the United Mexican States. Thanks to Providence, that has designed to pour upon them so lavishly his benefits; praise and immortal glory to the illustrious, zealous, active and patriotic ministers plenipotentiary of that assembly, who have, with so much sagacity, accomplished the high and important object of their mission, and to the governments of those states, who have displayed so much judgment in their discriminating choice.

*Mexican Legation, in the Assembly of the New American States, Acapulco, Aug. 15, 1826.*

To his Excellency the Minister of State and of Domestic and Foreign Affairs.—Most excellent sir! We this day arrived at this port in the brig of war Constant, having sailed from Panama on the 21st ult; and we have the satisfaction to announce to your excellency that we have concluded and ratified, on the 15th of the same month, a Treaty of Alliance and Perpetual Amity between the uniting Republics, an unequalled League, a limited Treaty, and a Compact, all which, in a few days, we shall have the honor personally to present to your Excellency.

According to these Treaties, the Assembly of Plenipotentiaries has adjourned to continue their sessions at the city of Tacuay, and in consequence a Minister from each republic will proceed to Mexico, while others have gone to render an account to their respective governments of the labors of Congress. His Excellency Don Pedro Gou, Minister of Colombia, will depart hence for Mexico in three days. His Ex. Don Antonio Larrazabal, who represents Central America, accompanies us, and will also proceed to Mexico. His Ex. Don Manuel Tocela, Minister of Peru, and the Secretary of that Legation, and that of Central America will arrive shortly in the brig Three Brothers for the same destination.

All which we communicate to your Excellency, that you may order the arrangements you think proper, that these plenipotentiaries may find all the attention they may require, corresponding with the dignity of our republics, and that you may communicate this information to his Excellency the President. God preserve your Excellency many years.

JOSE MARIA CHELENA,  
JOSE DOMINGUES.

The New York Gazette of Wednesday has the following paragraph:

"The British order in Council prohibiting the intercourse between the United States and the British West Indies, has no doubt, ere this time, been read by all our merchants who are interested in the matter. We understand that our newly appointed Minister Mr. Gallatin, was at the last date negotiating with the English government on this subject, and letters received here by the Leeks, mention that there was a strong probability that such an arrangement would be effected, before the period of interdiction arrived, as would render this measure unnecessary."

JAMAICA.

Jamaica papers to the 30th ult. have been received at Philadelphia. Considerable dissatisfaction existed throughout the island in relation to his Majesty's orders in Council. A public meeting was called at one parish by the Deists, for the purpose of advising with their Representatives in the House of Assembly on the measures most expedient to be adopted in the present alarming crisis of the Colony. This crisis is alleged to have arisen from the depression of trade, and the enormous burden of taxes to which the planters are subject. One of the papers even goes so far as to speak of a heavy retribution of vengeance owing from the Islanders to the mother country."

OCTOBER 15, 1826.

HOLLYWOOD, Sept. 22.

We have been obligingly favored with the following Order of the Right Hon. A. Lord Granville, Commissioner of His Majesty's Treasury, to the Hon. Commissioners of the Customs, which we publish with much pleasure—It must have an important effect upon the trade of the British North American Colonies. The American Congress will not meet before December next; and it is highly probable therefore, that should the above Order be carried into effect, the ports will remain closed during the winter.

*Troasury Chambers, 2d, Aug. 1826.*

Gentlemen.—I command you to pay to Mr. Peckins, of the 6th Gea. IV, ch. 114, which provides that the privilege of trading in Foreign Ships with the British Colonies shall be granted to the Commissioners of the Customs, which shall place the Commissioners of the Customs in chief of the Navy, of a young & prosperous Republic, in amity with the United States, and supported by the same feelings and interests, and strengthened, as we had done against Napoleon, for the establishment of their principles. Let those who are ingrateful in the next reflect on the ungrateful honours they have bestowed, may heap on Lafayette for doing the same thing. Why should the disgraced by what was considered so honorable in him, De Kalb, Kosciusko, Steuben, &c. &c. &c.? Why is it more disgraceful in me to accept the invitation of the Mexican Government, than in Genl. Bernardo to accept that of the United States? We all acknowledge the value of his services to this country; and they and trust Mexico will experience equal rewards from me should I accept either offer.

The professions of arms has never been deemed dishonorable, and whether I go to learn it or to teach it, malignity only can find cause to censure me.

I have served my country with fidelity, my country has treated me with more than kindness. She has estimated my poor exertions far beyond their value. I shall ever feel grateful for the protection she has bestowed. It will be a severe struggle to separate myself from such a country.

Until recently, I have had the happiness to pass through my official life with the entire approbation of the *Governors* of that country. But I now bid myself after twenty nine years of constant service, under its ban, for doing all in my power to support its honour and interests?

If the only reward of a faithful discharge of duty, of a laudable desire to sustain the "honor and interests" of the country, is degradation, and if there is no power to control the Government that inflicts the punishment, then farewell country, farewell friends, farewell to every blessing that this country and this life can afford, if the enjoyment of them is only to be purchased by degradation.

With sentiments of the highest respect, and with the best wishes for your happiness, I remain your very obedient humble servant,

DAVID PORTER.

SUPERIOR, N. Y. Sept. 1820.

A few days before Commodore Porter left this country for Mexico, he sent me a letter containing an explicit avowal of the motives that would govern him in accepting the offices of the Government of Mexico, if he should accept the same; and the circumstances that would impel him to become an exile from his country.

I owe it to Commodore Porter that the People of the United States should be informed of these motives and circumstances—a duty I can perform in no way more satisfactory to the public or to my own feelings, than by sending you a copy of his letter for publication. I am urged to the immediate performance of his duty, by perceiving that certain Editors of Newspapers attribute to the Commodore motives of a mercenary character, in leaving the service of his country, and entering that of Mexico.

I am with great respect, your  
Ob't and very humble serv't.  
MAHON DICKERSON.

WASHINGTON, Feb. 19th 1826.

# The Gazette.

FRIDAY EVENING, OCTOBER 20, 1826.

## LEXINGTON RACES.

The fall races over the Lexington course, by the Kentucky Society for the Improvement of the Breed of Horses, took place on yesterday.

Four horses started for the four mile heats. Mr. Barnett's grey gelding, trained by Col. Buford, took the purse at two heats, beating Mr. Blackburn's horse Superior, by Whup; Mr. Sanders' mare Maria, by Hamiltonian; and Mr. Parrish's horse Willoughby, by Tiger. The first heat was very handsomely contested by all the horses. Maria took the lead at the start, and ran ahead under a heavy pull until the last round, when Superior and Barnett's horse both made a desperate effort, and the grey horse proved the best, and won the first heat by a few feet—Maria and Superior coming in close together.

The second heat Maria was drawn, and only Superior and Barnett's horse started. This heat was won with ease by Barnett's horse, who took the lead at the start and kept it throughout the heat.

On to day three horses started for the 3 mile heats, which was won at two heats, by a sorrel horse entered by Mr. Burbridge, beating a horse entered by Col. Buford, and one entered by a gentleman from Flemingsburg. This race was closely contested between Mr. Burbridge's and Col. Buford's horses—the other was distanced the first heat.

The Presidential question occupies a large majority of the presses in the United States; and they evince as much ardour as we have ever witnessed on any political question, since the establishment of the government. Great reliance is placed on the success of each party, in the election of members of Congress, favourable to the candidate whose election they advocate. We expect in a short time, to be able to lay before our readers, the result of the Congressional elections, by which they will be able to estimate the probable result of the next Congressional election.

**The President.**—The Boston Sentinel states that the President of the United States will not return to the seat of Government until the middle of next month, his presence not being required at Washington until that time. Mr. Rush has remained at Washington through the summer.

The advertisement of Yates, superintendent of Mrs. Leigh's western institution for relieving impediments in speech, published in our two last, as well as this day's paper, is by a note at the foot, directed to be inserted in several other papers. Those who insert it, will take notice, that three insertions only is required.

The rooms where Mr. Yates receives pupils, are in Mr. Higgins' buildings in Main-street, Lexington, opposite Mrs. Keen's Hotel.

**Assassination.**—A letter from Colombia, published in Philadelphia states that Mr. WATTS, Charge d'Affairs of the United States at Colombia, has been assassinated. It is not quite a month since we announced the murder of Mr. FUDGER, our Consul at Santa Marta. These circumstances are very deplorable.

**NOTES ON KENTUCKY, SECTION 2.**—It has already been noticed, that the summer 1740, was exceedingly wet, and that all the water-courses were full. This circumstance induced Colonel Byrd to change his original purpose of attacking Louisville first. He therefore decided to ascend Licking river into the heart of the country, by which means he would be enabled to take with him his artillery to Riddle's Station, and would easily take it by land from Riddle's to Martin's and Bryan's Stations, and Lexington, the ground being level, and the roads easily made passable. Col. Byrd landed his artillery, stores and baggage on the point at the forks of Licking, where he put up some huts to shelter them from the weather; and from thence marched by land, a few miles, to Riddle's Station, where he arrived on the 22d day of June, at the head of 1000 men. In consequence of the extreme wetness of the weather, which had continued for many days, the men at Riddle's and Martin's Stations, who were accustomed to be in the woods, had all come in, and therefore, Byrd taking advantage of that circumstance, arrived within gun shot of the fort undiscovered, and the first information the people received of the approach of an enemy, was the report from a discharge of one of the field-pieces. Byrd sent in a flag and demanded a surrender at discretion—in which demand Capt. Riddle answered, that he could not consent to surrender but on certain conditions, one of which was: that the prisoners should be under the protection of the British, and not suffered to be prisoners to the Indians; to these terms Col. Byrd consented, and immediately the gates were opened to him. No sooner were the gates opened, than the Indians rushed into the Station, and each seized the first person they could lay their hands on, and claimed them as their own prisoner. In this way the members of every family were separated from each other; the husband from the wife, and the parents from their children. The piercing screams of the children, when torn from their mothers—the distressed throes of the mothers when forced from their tender offspring, are indescribable. Riddle remonstrated with Colonel Byrd against this barbarous conduct of the Indians, but to no effect. He confessed that it was out of his power to restrain them, their numbers being so much greater than that of the troops over which he had control—that he himself was completely in their power.

After the people were entirely stripped of all their property, and the prisoners divided among their captors, the Indians proposed to Colonel Byrd, to march to and take Martin's Station, which was about five miles from Riddle's; but Col. Byrd was so affected by the conduct of the Indians to the prisoners taken, that he peremptorily refused, unless the chiefs would pledge themselves in behalf of the Indians, that all the prisoners taken should be entirely under his control, and that the Indians should only be entitled to the plunder.—Upon these propositions being agreed to by the chiefs, the army marched to Martin's Station, and took it without opposition. The Indians divided

the spoil among themselves, and Colonel Byrd took charge of the prisoners.

The ease with which these two stations were taken, so animated the Indians, that they pressed Col. Byrd to go forward and assist them to take Bryan's Station and Lexington. Byrd declined going, and urged as a reason, the improbability of success; and besides, the impossibility of procuring provisions to support the prisoners they already had, also the impracticability of transporting their artillery by land, to any part of the Ohio river—therefore the necessity of descending Licking before the waters fell, which might be expected to take place in a few days.

Immediately after it was decided not to go forward to Bryan's Station, the army commenced their retreat to the forks of Licking, where they had left their boats, and with all possible dispatch got their artillery and military stores on board, and moved off. At this place the Indians separated from Byrd, and took with them the whole of the prisoners taken at Riddle's Station. Among the prisoners were Capt. John Hinkston, a brave man and an experienced hunter and woodsman. The second night after leaving the forks of Licking, the Indians encamped near the river; every thing was very wet, in consequence of which it was difficult to kindle a fire, and before a fire could be made it was quite dark. A guard was placed over the prisoners, and whilst part of them were employed in kindling the fire, Hinkston sprang from among them and was immediately out of sight. An alarm was instantly given, and the Indians ran in every direction, not being able to ascertain what course he had taken. Hinkston ran but a short distance before he lay down by the side of a log under the dark shade of a large beach tree, where he remained until the stir occasioned by his escape had subsided, when he moved off as silently as possible. The night was cloudy, and very dark, so that he had no mark to steer by, and after travelling some time towards Lexington, as he thought, he found himself close to the camp from which he had just before made his escape. In this dilemma he was obliged to tax his skill as a woodsman, to devise a method by which he should be enabled to steer his course without light enough to see the moss on the trees, or without the aid of sun, moon or stars. Captain Hinkston ultimately adopted this expedient: he dipped his hand in the water, (which almost covered the whole country) and holding it upright above his head, he instantly felt one side of his hand cold; he immediately knew, that from that point the wind came—he therefore steered the balance of the night to the cold side of his hand, that being from the west he knew, and the course best suited to his purpose. After travelling several hours he sat down at the root of a tree and fell asleep.

A few hours before day, there came on a very heavy dense fog, so that a man could not be seen at twenty yards distance. This circumstance was of infinite advantage to Hinkston, for as soon as day light appeared, the howling of wolves, the gobbling of turkeys, the bleating of fawns, the cry of owls, and every other wild animal, was heard in almost every direction. Hinkston was too well acquainted with the customs of the Indians, not to know that it was Indians, and not beasts or birds that made these sounds—he therefore avoided approaching the places where he heard them, and notwithstanding he was several times within a few yards of them, with the aid of the log he escaped, and arrived safe at Lexington. It was the 8th day after Riddle's Station was taken, when Hinkston arrived in Lexington, and brought the first news of that event.

The Indians not only collected all the horses belonging to Riddle's and Martin's Stations, but a great many from Bryan's Station and Lexington; and with their booty, crossed the Ohio river near the mouth of Licking, and there dispersed. The British descended Licking river to the Ohio, down the Ohio to the mouth of the Big Miami, and up the Miami as far as it was then navigable for their boats, where they bid their artillery and marched by land to Detroit. The rains having ceased, and the weather being exceedingly hot, the waters fell so low, that they were able to ascend the Miami but a short distance by water.

The great panic occasioned throughout Kentucky by the taking of Riddle's and Martin's Stations, caused the people to look up to General Clarke as their only hope. His counsel and advice was received as coming from an oracle. He advised that a levy of four-fifths should be made of all the men in the country capable of bearing arms, whether inhabitants or strangers, and to meet at the mouth of Licking on the 20th of July. Those from Lincoln and Fayette under the command of Col. Logan, were to march down Licking—those from Jefferson under Gen. Clarke, were to march up the Ohio.

As soon as it was decided that an expedition should be carried on against the Indians, General Clarke gave orders to have a number of small skiffs built at Louisville, capable of taking 15 or 20 men, which together with batteaus, the provisions and military stores, were taken by water from Louisville to the mouth of Licking. These vessels were under the direction of Col. George Slaughter, who commanded about 150 troops raised by him in Virginia for the Western service.

In ascending the river, it was necessary to keep the vessels close to the shore, some of which were on one side of the river, and some on the other; it happened whilst one of these skiffs was near the north bank of the river, a party of Indians ran down to the water's edge, and fired into it and killed and wounded several before assistance could be obtained from the other boats.

That part of the army commanded by Col. Logan, assembled at Bryan's spring, about eight miles from Lexington, and on the following night a man by the name of Clarke, stole a valuable horse and went off. It was generally believed that he intended to go to Carolina. When the army arrived at the mouth of Licking, the horse was found there, when the conjecture was, that he had been taken prisoner by the Indians; but it was afterwards discovered that he had gone to the Indians voluntarily. In

order to give them notice of the approach of an army from Kentucky.

The army rendezvoused and encamped on the ground whereon Cincinnati now stands, and the next day built two block-houses, in which was deposited a quantity of corn, and where several men who were sick were left, with a small guard, until the return of the army.

The division of the army commanded by Col. Logan, took with them generally provisions only sufficient to last them to the mouth of Licking, as it was understood a sufficient quantity for the campaign would be brought up from Louisville to that place; but when the army were about to march, the provisions were distributed among the men, and was only six quarts of Indian corn, measured in a quart pot, for each man, most of whom were obliged to carry it on their backs, not having a sufficient number of pack horses to convey the whole, together with the military stores and other baggage of the army.

[Section 10 will contain an account of the action at Piqua—the destruction of their towns and corn, and the return of the army to Kentucky, &c.]

## ATTROCIOUS CRIME

A most barbarous murder was committed at Slater's village in Smithfield, by a person named Andrew Davis, on the 28th ult. We understand that there had from some cause, been a misunderstanding between Davis and his wife's connections, that his wife was then at her father's and that it was the intention of her friends, with her assent, to prevent her from returning to live with him any more. Davis had been the day previous with his horse and chaise to carry her home, but not succeeding he returned again, on the fatal morning, to make another attempt, and questioned her as to her intention of returning to live with him. She waded giving a decisive answer, on which he seized her and with his knife which he had ground for the purpose, stabbed her in several places so that she survived but a short time. A person named Mason who lived in the other part of the house, hearing the outcry, ran into the room, and as he entered found Davis cutting his own throat. Davis instantly sprang upon him, and with a single stroke of the knife, laid open his abdomen, from one side to the other. They all fell upon the floor together, exhibiting a specimen of the effects of unbridled passion, too shocking even to think upon. A person who was present says the floor was drenched with blood and that the room exhibited the appearance of a slaughter house. Mason died the next day. Davis survived till the morning of the first inst. He avowed it to have been his intention, before he came to the house, to either take his wife home with him, or to put an end to her life.

*Massachusetts Spy.*

RESPECTFULLY inform the citizens of Lexington that he has engaged the *M. STONE HALL*, which he will fit up with rising seats as an Amphitheatre for the suitable display of the following Instruments by which his Lectures are exemplified:

## A TRANSPARENT TERRESTRIAL GLOBE,

containing upwards of 50 square feet of surface, including all the recent discoveries.

## A HORIZONTAL TERRESTRIAN, LUNARIAN, AND ECLIPSEDON, the Earth's Orbit, forty feet in circumference.

A VERTICAL TRANSPARENT TELLURIAN, with signs of the Four Seasons, and a double Zodiac, its circumference thirty feet.

## A TRANSPARENT CLIMATE INSTRUMENT

embracing four parts of the Celestial Sphere, forty-five feet in circumference.

## A SPLENDID TRANSPARENT ORBITY,

containing the Sun, with all the Planets and Satellites, fifty feet in circumference.

## 6 and 7, two elegant TRANSPARENT PLANIS-

PHERES of the visible Starry Heavens, forty-five feet in circumference (one with the figures of the Constellations, the other without) capable of being rectified to time, and place.

## 8 Plan of a UNIVERSAL SYSTEM; or SYSTEM

OF SOLAR SYSTEMS, thirty feet in circumference.

With smaller INSTRUMENTS, and Mathematical auxiliary DIAGRAMS, amounting in number to nearly forty.

The Lectures of the course will be eight, and the introductory one, making nine. They will be delivered three times per week, on the Monday, Thursday, and Saturday of the three last weeks in November, beginning of course with MONDAY, NOVEMBER 13th. They will commence each evening at 7 o'clock precisely, and continue two hours. The introductory Lecture will be gratuitous, but subject to certain regulations, which will be announced in this paper on Friday, November 10th.

The terms of admission to the whole course, will be FIVE DOLLARS each, for Ladies and Gentlemen; and three dollars each for Children under twelve years of age. To each Lecture, Ladies and Gentlemen, one dollar; Children 50 cents.

Lexington, October 20, 1826—42tf

## MARRIAGES.

In this county on last evening, Mr. CHARLES JONES, attorney at law, to Miss ELIZABETH RIGG, daughter of Mr. Jonathan Rigg.

On Thursday evening the 12th inst. by the Rev. John Shackleford, Mr. WILLIAM S. CLEVELAND to Miss MARY ELMORE, daughter of the Rev. James Elmore, all of Jessamine county.

In Bourbon county, Capt. Harvey T. Gorham, to Miss Malinda Grimes.

In Warren county, Mr. H. Pettit of Fayette, to Miss Julia G., daughter of Mr. John Atchison.

In place on Monday night the 16th inst. by the Rev. Robert Stewart, Roger Wickliffe, Esq. a member of the Senate of Kentucky, to Mrs. MARY O. ROSE, of Lexington.

## DEATHS.

In Fayette county on Tuesday last, Mrs. SUSAN PAYNE, widow of Edard Payne, Esq.

In this county on Thursday the 12th inst. Mrs. Polly Vaughan, consort of Mr. James Vaughan.

In Fayette county on the 14th instant, Mr. Edward Welch.

*Melancholy.*—The town of Winchester (Remarks of the Compiler) has sustained a heavy loss in the death of Mr. Thomas Marshall and his family. A melancholy mortality was swept off father, mother and child—On the evening of the 20th ult. he breathed his last, aged 30 years—a few moments after, his wife, Mrs. Catharine Marshall, aged 22 years, followed him—and three days after, on the 23d, May their only child, aged 3 years and 5 months.

## ASTRONOMICAL LECTURES.

### MR. GOODLICH,

RESPECTFULLY inform the citizens of Lexington that he has engaged the *M. STONE HALL*, which he will fit up with rising seats as an Amphitheatre for the suitable display of the following Instruments by which his Lectures are exemplified:

## A TRANSPARENT TERRESTRIAL GLOBE,

containing upwards of 50 square feet of surface, including all the recent discoveries.

## 2 A HORIZONTAL TERRESTRIAN, LUNARIAN,

AND ECLIPSEDON, the Earth's Orbit, forty feet in circumference.

## 3 A SPLENDID TRANSPARENT TELLURIAN,

with signs of the Four Seasons, and a double Zodiac, its circumference thirty feet.

## 4 A TRANSPARENT CLIMATE INSTRUMENT

embracing four parts of the Celestial Sphere, forty-five feet in circumference.

## 5 A SPLENDID TRANSPARENT ORBITY,

containing the Sun, with all the Planets and Satellites, fifty feet in circumference.

## 6 and 7, two elegant TRANSPARENT PLANIS-

PHERES of the visible Starry Heavens, forty-five feet in circumference (one with the figures of the Constellations, the other without) capable of being rectified to time, and place.

## 8 Plan of a UNIVERSAL SYSTEM; or SYSTEM

OF SOLAR SYSTEMS, thirty feet in circumference.

With smaller INSTRUMENTS, and Mathematical auxiliary DIAGRAMS, amounting in number to nearly forty.

The Lectures of the course will be eight, and the introductory one, making nine. They will be delivered three times per week, on the Monday, Thursday, and Saturday of the three last weeks in November, beginning of course with MONDAY, NOVEMBER 13th. They will commence each evening at 7 o'clock precisely, and continue two hours. The introductory Lecture will be gratuitous, but subject to certain regulations, which will be announced in this paper on Friday, November 10th.

The terms of admission to the whole course, will be FIVE DOLLARS each, for Ladies and Gentlemen; and three dollars each for Children under twelve years of age. To each Lecture, Ladies and Gentlemen, one dollar; Children 50 cents.

Lexington, September 22, 1826—38-tf.

## LAW LECTURES.

THE undersigned will deliver LECTURES on the science of Law during the usual law session, beginning on the first Monday in November, and ending on the 1st day of March ensuing. The course will be

1. Constitutional Law
2. Common Law, Civil and Criminal.
3. Equity.
4. Practice.
5. Matrimonial Law.

Lectures or examinations will be given every day except Saturdays and Sundays. There will be a Month Court and Legislative Assembly as usual.

Students at a distance, wishing to attend Lectures, need not bear a deposit on coming here, as the undersigned has a sufficient number of private pupils to make it indispensably necessary to proceed with the course.

A well furnished Library is provided for the use of the pupils, gratis.

The price of the Ticket will be TWENTY DOLLARS, Specie. There will also be an additional expense of five dollars to defray the expense of loc and attendance of a junior.

CHARLES HUMPHREYS,

BENJAMIN FOSTER,

## POETRY.

The following Acrostick was handed us for publication, by a gentleman who committed it to memory, shortly after it was written:

Born for a curse to virtue and mankind,  
Earth's darkest realms can show so black a mind;  
Night's sable veil thy crimes can never hide,  
Each is so great it glistens the historic tide,  
Detested shall thy memory ever live.  
In all the glore that infancy can give;  
Curses for age's still attend thy name;  
Traitors alone shall glory in thy shame;  
Avaugtly justice sternly waits to roll,  
Isers of sophor' o'er thy traitorous soul;  
Nature looks back, in conscious error sad,  
On her the lowest blot, she ever made;  
Let hell receive thee, riveted in chains,  
Damned to the hottest fons of its flames.

The European Magazine furnishes the following pathetic effusion as the production of an "unknown hand," who has hidden down the current of oblivion." Its beautiful simplicity and force, and the true picture it presents of the situation of the Orphan in individual society, will awaken, we should think, the tenderest emotions of the heart. In a perfect Community, formed on the principles of the social system, the Orphan will not experience this desolation. There will not, in truth, be such an unfortunate being known as an Orphan; for the child is born to a perpetuity of the benefits of the Community—its care, protection, support and kindness;—and, though the natural parent must necessarily die, its foster parent, from whom all its blessings flow, never dies. It remains in perpetual youth and vitality,—increasing with its duration in all the charities of life. In communing these unhappy beings of general society, therefore, we but indulge the finer feelings of the soul,—not trembling at the lot of our children; the vista of futurity opens for them only the brightest prospects.

### THE ORPHAN BOY.

Alas! I am an Orphan Boy  
With nought on earth to cheer my heart;  
No father's love, no mother's joy,  
Nor kin nor kind to take my part.  
My lodgings is the cold, cold ground,  
I eat the bread of charity;  
And when the kiss of love goes round,  
There is no kiss, alas, for me.

Yet once I had a father dear,  
A mother too, I wot to prize,  
With ready hand to wipe the tear,  
If chang'd the transient tear to rise,  
But cause of tears was rarely found,  
For all my heart was youthful glee;  
And when the kiss of love went round,  
How sweet a kiss there was for me!

But altho' there came a war, they say;  
What is awar?—I cannot tell;  
The drums and fifes did sweetly play,  
And loudly rang our village bell.  
In truth, it was a pretty sound  
I thought; nor did I see foresee,  
That when the kiss of love went round,  
There soon would be no kiss for me.

A scarlet coat my father took,  
And sword as bright as bright could be;  
And feathers that so gaily look,  
All in a slung cap had he.  
Then now my little heart did bound,  
Alas I thought it fine to see,  
Nor dreamt, that when the kiss went round,  
There soon would be no kiss for me.

At length the bell again did ring,—  
There was a victory, they said:  
'Twas what my father said he'd bring;  
But altho' it brought my father dead.  
My mother shrirk'd, her heart was wo,  
She clasp'd me to her trembling knee;  
O God! that you never know  
How wild a kiss she gave to me!

But once again—but once again,  
These lips a mother's kisses felt;  
That once again—but once again,  
The tale of heart of stone would melt,  
I was when upon her deathbed laid,  
(O God! O God!) that sight to see;  
My child, my child, she feely said,  
And gave a parting kiss to me.

So now I am an Orphan Boy,  
With nought below my heart to cheer;  
No mother's love, no father's joy,  
Nor kin nor kind to take my part.  
My lodgings is the cold, cold ground,  
I eat the bread of charity;  
And when the kiss of love goes round,  
There is, alas, no kiss for me.

Saltng Cattle and Sheep.—We are informed by a practical farmer, that by giving salt to his cattle and sheep he mixt it with unpeeled wood ashes. The mixture is composed of one quart of fine salt to one bushel of ashes. To this composition his cattle and sheep always have access. He thinks it increases the appetite, and preserves the health of the animal.

N. E. Farmer.

To prevent wounds from Mortifying.—Sprinkle sugar on the n. The Turks wash fresh wounds with wine, and sprinkle sugar on them. Obstinate ulcers may be cured with sugar dissolved in a strong decoction of walnut leaves.

Two boys belonging to a chaplain of two different men of war, entertaining each other with an account of their respective manners of living. "How often Jack?" says one of them, "do you go to prayer?" "We only pray," replied Jack, "when we are afraid of a storm, or when we are going to fight." "Ay, says the former, there is some sense in that; but my master makes us go to prayer when there's no more occasion for it than for me to jump into the sea."

Polly, who was arraigned before a court for stealing, after having pleaded not guilty, the judges asked by whom he would be tried. "By the 12 apostles," answered the prisoner. The judge informed him that would not do, for if he was tried by them, he could not have his trial until the day of Judgment. "What!" says Polly, "and I have no objection to that, neither, for I am in no hurry about it at all."

Cure for the Choleric Stomach.—Half a pint of corn meal almost black, grind and pound it fine, put it into a clean tin vessel, and pour over it a quart of boiling water, simmer it ten minutes, strain it, and add a little sugar; give 3 table spoon fulls every quarter of an hour; the stomach will retain it in most cases, after the second time given. When the sorrows of the stomach has subsisted, give a cold dose of pl. sic that is the least nauseating to the patient, two tea spoonfulls of Rhubarb powder, Epson Salts, or Cream Tartar.

This simple Indian remedy, if taken at the commencement of the complaint will effect a cure.

*Mary Daily Ad.*

## THE ATTENTION OF THE PUBLIC

IS RESPECTFULLY SUBSCRIBED TO THE

### NEW ESTABLISHMENT,

At the corner of Main and Main-cross Streets, (recently occupied by E. & S. F. Farn, next door to the present engraving shop) which is now opened by

### THOMAS MCGOWAT & CO.

AS A GROCERY STORE AND BAKERY HOUSE  
Where they offer for sales low as can be purchased in any other store in town, a choice selection of fine articles, among which are

LOAF and LUMP SUGAR,  
New Orleans do  
Coffees, Tea and Chocolate,  
Pepper and Alspice,  
Cloves and Ginger,  
Almonds and raisins,  
Nutmegs and cinnamon,  
Mackerel, Confish, Smoked Herrings and Salmon  
in kgs.  
Port, Cognac, Madeira and Teneriffe Wine  
Brandy, Rum, Gin and Whiskey,  
Spermaceti and Tallow Candles,  
Gum powder and Shot,  
Madder Coopers and Allum,  
Logwood and Camwood,  
Pig and Digital Tobacco,  
Spanish and common Cigars,  
Glass and Quenware  
Spin Cotton  
Bell-Fords and Pew-lines, single or by the dozen  
Can Nails and Bells  
Flour by the bushel or smaller quantity to suit  
purchasers.

And every other article usually called for at a Grocery.

### THE BAKING BUSINESS

Will be under the immediate superintendance of Mr. McGoat, who has known experience in the business render it necessary to say more to the public, that they may depend at all times upon being furnished with good fresh BREAD, BISCUITS &c. together with Butter, Biscuits and Water CREAMERS, by the bushel, bag or pound—which they warrant shall not be inferior to any made in the state.

\* \* \* They hope to receive such a share of public patronage as their attention to business and exertions to please may merit.

Lex. July 3d 1826—27—40

### FALL & WINTER GOODS.

The subscriber is receiving and now opening a large assortmet of

#### MERCHANDIZE.

SELECTED by himself, consisting of British, French, India and Domestic—with his usual supy. of Blue and Black Electoral Savory and London Super fine

#### BROAD CLOTHES.

Olives, Greens, Bowls, Drabs, Closets and Mixed, for SURTOUFS and GREAT COATS

CARPETINGS for Rooms, Passages and Stairs, BOLTING CLOTHES, No. 3, 5, 6 and 7;

FLOWERED PAPER for Rooms and Passages, WINES in half Barrels of a super riot quality.

On Consignment,

WINDOW GLASS of all sizes—BOTTLES in Boxes, All of which will be sold at his usual low rates. And to those purchasing to sell again, he can offer considerable inducements.

JOHN TILFORD,

No. 49, Main street.

Lexington, September 1826—35—40

#### ALMANACS.

THE OLD BLIND MAN will end to sell ALMANACS at the following places next season:

At Versailles on the 1st Monday in October, November and December.

At Nicholasville on the 3d Mondays in October and November.

At Frankfort from the 1st to the 2d Monday in December.

At Georgetown on the 1st Monday in January JOHN CHRISTIAN.

August 20—34

#### FRESH MEDICINES.

JOHN NORTON,

HAS just received from the eastward, an Invoice of fresh Drugs and Medicines which offers for sale

Wholesale and Retail;

together with a general assortment of Paints, Dye Stuffs, Patent Medicines, all of superior quality. Also Shinn's Panacea, Perfumery, Surgical Instruments, Medicine Chests, and Apothecary's Ware of all sizes, at his Drug and Chemical Store, corner of Main and Upper streets, south of the Court House.

BUTLER'S Vegetable Indian Specific

FOR the Cure of Colds, Coughs, Consumptus, Spitting of Blood, Asthma, Sore disorders of the Breast and Lungs, the above Medicines are recommended by many Certificates price \$1—sch.

Sold by JOHN NORTON, Druggist.

N. B. Country Physicians and Apothecary's Sders, supplied at the shortest notice on the most reasonable terms.

SWAIN'S PANACEA \$2 50 per bottle.

Lexington, March 1st 1826—9—40

New Auction and Commission House.

THE Subscriber respectfully informs the inhabitants of Lexington, and its vicinity, that he has taken the House on Main-street, next door to Mr. Sam'l Palkington's Grocery Store, and immediately opposite the Exchange Office of Mr David A. Saenger, where he intends transacting a GENERAL AUCTION AND COMMISSION BUSINESS.

From his long experience in that line, and by a strict personal attention to its duties, he hopes to merit a share of public patronage.

This regular auction days will be on Mondays, Wednesdays and Fridays. He will also sell GOODS at private sale, on days when he has no Auction.

L. LYON, Auctioneer.

Lexington, June 12, 1826—26

MEDICAL NOTICE.

DOCTOR BEST respectfully tenders his professional services, in the various branches of the profession, to the citizens of Lexington and Fayette county. His office and residence are in Main street between the Grand Masonic Hall and St John's Chapel.

N. B. A few Medical students can be accommodated with board and lodging.

April 6, 1826—11—40

PUBLIC NOTICE.

THE subscribers offer for sal that commodities and valuable Tavern stand in the town of Nicholasville, in Fayette county, formerly owned by the late General William Lewis and Captain Richard Hightower, and for many years occupied by them as a Tavern.

The other in addition, a lot adjoining it in rear of said Tavern, having a large and commodious stable capable of holding upwards of 40 Horses. The stable is brick and in every way fitted for the Tavern or every stable keeper. They offend also stand on land which have no buildings on them; well suited and situated for garden or pasturing. As no individual would probably make so long a purchase without examining the premises. Further notice is desired need less any person wishing to be informed as to the extent, value of said property, etc can be satisfied by applying to H. Will's living on the premises, or to either of the subscribers, residing near Nicholasville.

Terms made easy to the purchaser.

RICHARD HIGHTOWER and JOHN PH. WILL Lvs. 7.

## CASTINGS, FOUNDRY, AND

### Grocery Store.

#### Joseph V. Green,

MAIN STREETS,

Lexington.

ST AS just received the following GOODS, viz.

SHOES FOR CHILDREN, Finges, a sort

of leather, p. 12—14—16—18—20—22—24—26—28—30—32—34—36—38—40—42—44—46—48—50—52—54—56—58—60—62—64—66—68—70—72—74—76—78—80—82—84—86—88—90—92—94—96—98—100—102—104—106—108—110—112—114—116—118—120—122—124—126—128—130—132—134—136—138—140—142—144—146—148—150—152—154—156—158—160—162—164—166—168—170—172—174—176—178—180—182—184—186—188—190—192—194—196—198—200—202—204—206—208—210—212—214—216—218—220—222—224—226—228—230—232—234—236—238—240—242—244—246—248—250—252—254—256—258—260—262—264—266—268—270—272—274—276—278—280—282—284—286—288—290—292—294—296—298—299—300—301—302—303—304—305—306—307—308—309—310—311—312—313—314—315—316—317—318—319—320—321—322—323—324—325—326—327—328—329—330—331—332—333—334—335—336—337—338—339—340—341—342—343—344—345—346—347—348—349—350—351—352—353—354—355—356—357—358—359—360—361—362—363—364—365—366—367—368—369—370—371—372—373—374—375—376—377—378—379—380—381—382—383—384—385—386—387—388—389—390—391—392—393—394—395—396—397—398—399—400—401—402—403—404—405—406—407—408—409—410—411—412—413—414—415—416—417—418—419—420—421—422—423—424—425—426—427—428—429—430—431—432—433—434—435—436—437—438—439—440—441—442—443—444—445—446—447—448—449—450—451—452—453—454—455—456—457—458—459—460—461—462—463—464—465—466—467—468—469—470—471—472—473—474—475—476—477—478—479—480—481—482—483—484—485—486—487—488—489—490—491—492—493—494—495—496—497—498—499—500—501—502—503—504—505—506—507—508—509—510—511—512—513—514—515—516—517—518—519—520—521—522—523—524—525—526—527—528—529—530—531—532—533—534—535—536—537—538—539—540—541—542—543—544—545—546—547—548—549—550—551—552—553—554—555—556—557—558—559—550—551—552—553—554—555—556—557—558—559—560—561—562—563—564—565—566—567—568—569—570—571—572—573—574—575—576—577—578—579—580—581—582—583—584—585—586—587—588—589—580—581—582—583—584—585—586—587—588—589—590—591—592—593—594—595—596—597—598—599—590—591—592—593—594—595—596—597—